

### ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application, and for the personal interview conducted on July 15, 2004 with the Examiner and the Examiner's supervisor. The application has been carefully reviewed in light of the Office action and the interview, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 28-32 remain in this application. Claims 28-33 have been allowed by the Examiner, and claims 30-32 have been amended merely to incorporate elements from currently canceled claims upon which they depended. Claims 1-27 and 34-44 have been canceled. Claims 45-73 have been added without adding any new matter.

Claims 13, 14, 19, 21, and 23-26, were rejected under 35 U.S.C. §102(b) as being anticipated by Hough *et al.* (U.S. 4,606,329). Claims 13-16, 21, 22, 26, 36-38, 40-42, and 44 were rejected under 35 U.S.C. §102(b) as being anticipated by Perkins (U.S. 6,084,975). Claims 39 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Perkins. For the following reasons, the rejections are respectfully traversed.

Claims 13-16, 19, 21-26 36-39, 40-43, and 44 have all been canceled, making their rejections moot. New independent claims directed to a method of enhancing auditory capacity have been added each having a limitation of a magnet being "solidly attached" or a limitation of the magnet being "attached solely" to a promontory. As discussed at the personal interview, none of the references teach that a magnet is solidly attached or solely attached to a promontory. Hence, the new independent claims are each patentable over the references.

The remaining new claims, which depend, either directly or indirectly, on one of the independent claims, are thus patentable for the same reasons (as well as for the limitations contained therein).

In consideration of the foregoing analysis, it is respectfully submitted that the

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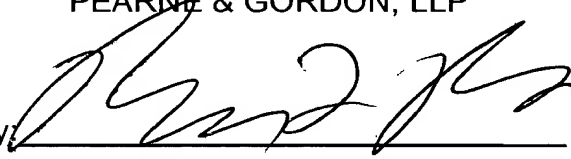
present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33891.

Respectfully submitted,

PEARNE & GORDON, LLP

By

A handwritten signature in black ink, appearing to read 'Robert F. Bodi', is written over a horizontal line.

Robert F. Bodi, Reg. No. 48,540

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